

THE HONORABLE ROBERT S. LASNIK

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NEW YORK LIFE INSURANCE COMPANY,

Plaintiff,

v.

BRANDON GUNWALL, JEFFREY E.
SWENSON, and AMELIA M. BESOLA, as
Administratrix of the Estate of Mark Lester
Besola,

Defendants.

NO. 2:19-CV-00226-RSL

**SECOND AMENDED STIPULATION
AND ORDER TO DISBURSE FUNDS**

CLERK'S ACTION REQUIRED

I. STIPULATION

Defendants Brandon Gunwall and Amelia Besola (“Defendants”), by and through their undersigned counsel of record, hereby stipulate as follows:

WHEREAS, Plaintiff New York Life Insurance Company filed this interpleader action concerning disputed claims to life insurance death benefits, naming Brandon Gunwall, Jeffrey E. Swenson and Amelia M. Besola as defendants;

WHEREAS, Plaintiff filed a Motion for Interpleader Deposit of Funds and Dismissal, which was granted on September 20, 2019, thereby dismissing Plaintiff from the case;

WHEREAS, on October 10, 2019, Plaintiff deposited \$693,813.76 into the Court Registry;

WHEREAS, Defendant Jeffrey E. Swenson assigned all of his claims in this matter to Defendant Amelia M. Besola;

WHEREAS, Defendants Brandon Gunwall and Amelia M. Besola have negotiated a settlement of their claims, cross claims and defenses asserted herein, including an agreement that this Court shall retain jurisdiction for purposes of enforcement of said settlement agreement if necessary; and

WHEREAS, the Court entered an order of dismissal (Dkt. 86) herein on December 1, 2023, following to filing of a notice of settlement (Dkt. 85).

THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN DEFENDANTS THROUGH THEIR RESPECTIVE COUNSEL, subject to Court approval, that: (1) two hundred eight thousand five hundred dollars (\$208,500.00) be paid from the court registry to Defendant Amelia M. Besola *with zero interest accrued*; (2) the remaining balance of the funds in the court registry – four hundred eighty-five thousand three hundred and thirteen dollars and 76/100 (\$485,313.76), *plus all accrued interest* – be paid to Defendant Brandon Gunwall; and (3) that this Court shall retain jurisdiction of this matter for purposes of enforcing the settlement agreement.

IT IS SO STIPULATED.

RESPECTFULLY SUBMITTED AND DATED this 11th day of December, 2023.

DAUDT LAW PLLC

NELSON ALLEN WALK, PLLC

By: /s/ Michael D. Daudt, WSBA #25690

By: /s/ Daniel K. Walk, WSBA #52017

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Attorneys for Defendant Brandon Gunwall

Attorney for Defendant Amelia M. Besola

II. ORDER

The Court, having reviewed the Stipulation of the Parties Dismissing Crossclaims and Entering Final Judgment, hereby finds good cause and ORDERS, DECREES and enters JUDGMENT as follows:

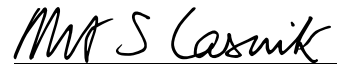
1. The Clerk is authorized and directed to draw a check on the funds deposited in the registry of this court in the principal amount of two hundred eight thousand and five hundred dollars (\$208,500.00), *with zero accrued interest*, payable to “Amelia Besola” and mail the check to Amelia Besola at 1115 S. 347th Place, Federal Way, WA 98003.

2. The Clerk is authorized and directed to draw a check on the funds deposited in the registry of this court in the principal amount of four hundred eighty-five thousand three hundred and thirteen dollars and 76/100 (\$485,313.76), *plus all accrued interest*, payable to “Nelson Allen Walk, PLLC, in trust for Brandon Gunwall” and mailed to Nelson Allen Walk, PLLC at 102 N Meridian, Puyallup, WA 98371.

3. This Court shall retain jurisdiction over this matter and over these parties for purposes of enforcing the settlement agreement entered into between them regarding this matter.

1 IT IS SO ORDERED.
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3 Dated this 11th day of December, 2023.
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7 Robert S. Lasnik
8 United States District Judge
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